



General Assembly

January Session, 2005

Amendment

LCO No. 7224

SB0088707224SD0

Offered by:
SEN. DUFF, 25th Dist.

To: Subst. Senate Bill No. 887

File No. 305

Cal. No. 279

**"AN ACT CONCERNING THE DISPOSAL OF HOUSING PROJECTS
BY HOUSING AUTHORITIES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 47a-15 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 Prior to the commencement of a summary process action, except in
6 the case in which the landlord elects to proceed under sections 47a-23
7 to 47a-23b, inclusive, to evict based on nonpayment of rent, on conduct
8 by the tenant which constitutes a serious nuisance or on a violation of
9 subsection (h) of section 47a-11, if there is a material noncompliance
10 with section 47a-11 which materially affects the health and safety of
11 the other tenants or materially affects the physical condition of the
12 premises, or if there is a material noncompliance by the tenant with the
13 rental agreement or a material noncompliance with the rules and
14 regulations adopted in accordance with section 47a-9, and the landlord
15 chooses to evict based on such noncompliance, the landlord shall

16 deliver a written notice to the tenant specifying the acts or omissions
17 constituting the breach and that the rental agreement shall terminate
18 upon a date not less than fifteen days after receipt of the notice. If such
19 breach can be remedied by repair by the tenant or payment of
20 damages by the tenant to the landlord, and such breach is not so
21 remedied within such fifteen-day period, the rental agreement shall
22 terminate except that (1) if the breach is remediable by repairs or the
23 payment of damages and the tenant adequately remedies the breach
24 within such fifteen-day period, the rental agreement shall not
25 terminate; or (2) if substantially the same act or omission for which
26 notice was given recurs within six months, the landlord may terminate
27 the rental agreement in accordance with the provisions of sections 47a-
28 23 to 47a-23b, inclusive. For the purposes of this section, "serious
29 nuisance" means (A) inflicting bodily harm upon [another tenant or the
30 landlord] any person at the premises or threatening to inflict such
31 harm with the present ability to effect the harm and under
32 circumstances which would lead a reasonable person to believe that
33 such threat will be carried out, (B) substantial and wilful destruction of
34 part of the dwelling unit or premises, (C) conduct which presents an
35 immediate and serious danger to the safety of [other tenants or the
36 landlord] any person at the premises, or (D) using the premises or
37 allowing the premises to be used for prostitution or the illegal sale of
38 drugs or, in the case of a housing authority, using any area within
39 fifteen hundred feet of any housing authority property in which the
40 tenant resides for the illegal sale of drugs. If the landlord elects to evict
41 based upon an allegation, pursuant to subsection (g) of section 47a-11,
42 that the tenant failed to require other persons on the premises with his
43 consent to conduct themselves in a manner that will not constitute a
44 serious nuisance, and the tenant claims to have had no knowledge of
45 such conduct, then, if the landlord establishes that the premises or, in
46 the case of a landlord that is a housing authority, the premises or any
47 area within fifteen hundred feet of any housing authority property in
48 which the tenant resides has been used for the illegal sale of drugs, the
49 burden shall be on the tenant to show that he had no knowledge of the
50 creation of the serious nuisance."